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The University of North Carolina

RECORD

The Law School

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THE UNIVERSITY RECORD

Number 72 Fifty Cents a Year April, 1909

THE SCHOOL OF LAW

FRANCIS PRESTON VENABLE, PH.D., D.SC., LL.D., *President.*
JAMES CAMERON MACRAE, LL.D., *Dean.*

JAMES CAMEON MACRAE, LL.D., *Professor of Law.*
LUCIUS POLK MCGEHEE, A.B., *Professor of Law.*
THOMAS RUFFIN, LL.M., D.C.L., *Professor of Law.*
CHARLES LEE RAPER, PH.D., *Professor of Economics.*
JOSEPH GREGOIRE DEROULHAC HAMILTON, PH.D., *Alumni Professor of History.*
WILLIAM DE BERNIERE MACNIDER, A.B., M.D., *Lecturer on Medical Jurisprudence.*

HISTORICAL SKETCH

The School of Law is the outgrowth of a Law School established in 1843 at Chapel Hill, on a private foundation, by Hon. William H. Battle, who was then a judge of the Superior Court of North Carolina and later became a justic of the Supreme Court of the State. Judge Battle was assisted by Hon. Samuel F. Phillips, a member of the Bar of North Carolina, who afterwards was Solicitor General of the United States under the administrations of Presidents Grant, Hayes, Garfield, and Arthur. In 1845 this school was incorporated into the University, and Judge Battle was made Professor of Law, in which capacity he served until the closing of the University in 1868. The courses offered covered the requirements for admission to the Bar of North Carolina, and occcupied the time of independent students for two years, or were sometimes completed by students doing additional work in the College in two and one-half years; and the degree of Bachelor of Law was conferred upon those students satisfactorily accomplishing the full course.

With the reopening of the University in 1875, the School of Law was revived by Judge Battle, and upon his retirement in 1879 the classes were conducted by Hon. Kemp P. Battle, then President of the University; and this continued until 1881, when President Battle was relieved from such duties by the election of Hon. John Manning as Professor of Law.

From 1881 until his death in 1899, Professor Manning was in charge of the School, assisted during much of the time by Hon. James E. Shepherd, Chief Justice of the Supreme Court, by Hon. J. Crawford Biggs, now a judge of the Superior Court, and by Thomas D. Warren, Esq., who has since become a prominent member of the Bar of North Carolina. During these years the scope of the School was enlarged and its attendance and influence greatly increased. Much that is good, now felt in methods and spirit, is due to the administration of Professor Manning.

In 1899 Hon. James C. MacRae, sometime a judge of the Superior Court and later a justice of the Supreme Court of North Carolina, became Professor of Law and Dean of the School; and in 1900 Mr. Thomas Ruffin succeeded Mr. Biggs as Associate Professor of Law. In 1903 Mr. Ruffin was made a professor, and, upon his resignation in 1904, was succeeded in this position by Mr. Lucius P. McGehee, formerly Associate Editor of the American and English Encyclopaedia of Law. In 1907 a third professorship was created by the Board of Trustees, and Mr. Ruffin was recalled from active practice to fill this position.

With the enlargement of the faculty to a corps of three professors, who give their entire time to the teaching of law, the curriculum of the School has been readjusted and much enriched, and now presents work requiring the full time of the student for at least two years, and sufficient, it is believed, to equip him thoroughly for the practice of law in the State of North Carolina or in any other State of the Union having the common law of England as a basis of its jurisprudence.

GENERAL OBJECTS OF INSTRUCTION

The objects of the instruction here offered are, through means of text-books, cases, lectures and moot-court practice, to teach the

principles of jurisprudence as applied in America; to bring before the mind of the student the nature and growth of law; to show that our legal principles lie imbedded in our basic conceptions of justice and right; to trace the development of these principles, historically: to inculcate habits of independent thought and legal reasoning, giving prominence to the reasons for propositions of law rather than to the concrete propositions themselves;—and thus to give to the student a proper foundation whereupon to make of himself a scientific lawyer, through a comprehension of theoretical principles and a development of his reasoning faculties in the logical application of those principles to practical statements of fact.

ARRANGEMENT OF COURSES

Six regular courses, three for the Junior Law Class and three for the Senior Law Class, are arranged for those students taking the work leading to the degree of Bachelor of Laws. Each course begins in September and ends in May of the University year. Thirteen and one-half hours of class instruction a week, divided into nine lectures of one and one-half hours each, are provided for each of the two classes; and to the courses as now scheduled two or three additional hours of lectures a week are expected soon to be offered in both Junior and Senior Years. Dr. MacNider will also deliver a special series of lectures on Medical Jurisprudence, at times hereafter to be announced; and law students registered for less than three of the regular courses, or whose engagements otherwise permit, will be admitted without additional expense to the college courses in Economics and History of Professors Raper and Hamilton. Also, from time to time, distinguished members of the Bench and of the Bar will be invited to deliver lectures upon special topics before the School.

REQUIREMENTS FOR ADMISSION

A good English education is essential to success at the Bar, and the completion of a full collegiate course before beginning the study of law is urged in all possible cases. No absolute requirement in scholarship, however, is prescribed for candidates for admission into the School, except that all applicants for the degree

of Bachelor of Laws shall have satisfactorily completed academic courses equivalent to those prescribed for the Freshman and Sophomore classes in the University. Other students than applicants for degrees may be admitted upon satisfying the Dean of their possession of such education as will enable them to make fair use of their opportunities in the School of Law.

Seniors in the College will be admitted to course I., II., or III., as stated on page 37 of the General Catalogue.

All candidates for admission should present themselves on the same days and at the same hours as candidates for admission to the College, either in September or January; and students already members of this School, as well as all students first matriculating, must conform to the regulations for registration found on page 103 of the General Catalogue.

DEGREE

The degree of Bachelor of Laws (LL.B.) will be conferred upon those students who shall have applied for the same during a residence of at least two years at the University, and who have, in the opinion of the faculty, completed with credit the courses prescribed for the Junior and Senior Law Classes (including any work additional to that below scheduled which may hereafter be assigned to these courses), and who shall have submitted approved theses on legal subjects satisfactory to the Dean of the law faculty; provided that in every case they shall have conformed to the requirements before stated as to preliminay education. A diligent student may by accomplishing three courses each year prepare himself for this degree in two years; or the student who prefers to take the work more deliberately, with fuller opportunity for reflection and parallel reading, will find two courses each year for three years suitable to this purpose.

A plan has now been proposed providing for further enlargement of the courses; and the Law faculty has been authorized to formulate a scheme embodying such changes, with a view to requiring three years' study of law of all candidates for the degree of Bachelor of Laws. Such change will not go into effect until announced by a subsequent catalogue.

COURSES OF INSTRUCTION

For the Junior Law Class, Courses I., II., and III., as follows:

COURSE I., by Professor MacRae, embracing the Law of Evidence, Public and Private Corporations, and Executors and Administrators.

The text-books used the past year were Greenleaf on Evidence (Vol. 1), supplemented by statutes; Clark on Corporations and the Statutes of North Carolina, Dillon on Municipal Corporations, and Schouler on Executors and Administrators.

COURSE II., by Professor McGehee, embracing the Law of Contracts, Crimes, Torts, and Bailments.

The text-books used the past year were Clark on Contracts, May on Criminal Law, Burdick on Torts, Goddard's Outlines of Bailments and Carriers.

COURSE III., by Professor Ruffin, embracing the Law of Persons (Domestic Relations and Sales), Personal Property, and Real Property.

The text-books used the past year were Blackstone (Vol. 1), Long on Domestic Relations, Griffin's Cases on Personal Property (including Sales), Blackstone (Vol. 2), and Tiffany on the Modern Law of Real Property.

For the Senior Law Class, Courses IV., V., and VI., as follows:

COURSE IV., by Professor MacRae, embracing Constitutional Law, Jurisdiction of Courts, Pleading and Civil Procedure, Bankruptcy, Admiralty, and International Law.

The text-books used the past year were Cooley's Principles of Constitutional Law, Blackstone (Vol. 3) and Code of Civil Procedure, Davis on International Law, Statutes and Lectures on Bankruptcy, and Hughes on Admiralty.

COURSE V., by Professor McGehee, embracing the Law of Insurance, Quasi-Contracts, Negotiable Paper, and Agency.

The text-books used the past year were Richards on Insurance, Bigelow's cases on Negotiable Instruments and

The Negotiable Instruments Law, Huffcut on Agency, and Woodruff's Cases on Quasi-Contracts.

COURSE VI., by Professor Ruffin, embracing Equity Jurisprudence and Equity Pleading, Conflict of Laws, and Partnership.

The text-books used the past year were Bispham on Equity, Heard's Equity Pleading, Minor on Conflict of Laws, and Burdick on Partnership.

SCHEDULE OF RECITATIONS

	8:45 to 10:15	10:15 to 11:45	12:00 to 1:30
MONDAY	MacRae IV*	McGehee II	Ruffin VI
TUESDAY	MacRae I	McGehee V	Ruffin III
WEDNESDAY	MacRae IV	McGehee II	Ruffin VI
THURSDAY	MacRae I	McGehee V	Ruffin III
FRIDAY	MacRae IV	McGehee II	Ruffin VI
SATURDAY	MacRae I	McGehee V	Ruffin III

QUALIFICATIONS FOR LICENSE TO THE NORTH CAROLINA BAR

By the rules of the Supreme Court, Examinations are held for admission to the Bar of North Carolina in August and February of each year. Two years of preparatory study are required to qualify applicants for the examinations. This study, however, is not required to be done in a law school, and the course of reading prescribed by the court may be covered by a diligent student within less time than two years. Therefore, in order to prepare

*These numerals refer to the numbered courses as found on the preceding page.

for the Bar examination in one year students who have previously read law for a year elsewhere, the courses above outlined have been arranged so as to include within one scholastic year and an additional summer term (hereafter to be mentioned) the entire course of reading prescribed by the court. Through this arrangement a student who cannot remain in this School two years may enter either in September or in January, and, by taking the courses open to him in the scholastic year and at a summer term may fulfill all qualifications as to the amount of reading required for the Bar examination within twelve months from his entrance.

It is urged that all students who possibly can shall take a full two years course in a law school before applying for license to practice; for it is coming more and more to be recognized that such a period, or even a longer time, under skilled instructors, is necessary to the proper qualification of the lawyer; and certainly a lesser time is believed to be insufficient for the student to digest the law that he must learn or to acquire the habits of thought and mental attitude of the lawyer. The suggestion of the one year's work is made, therefore, for those students who find it impossible to prosecute their studies longer in this School.

The satisfactory accomplishment of the courses including the work thus suggested will entitle the student to a certificate to that effect from the Dean of the law faculty.

MOOT COURT

The Moot Court has become an important factor in legal educational methods, in familiarizing the student with the practical side of law. It is the purpose of the University Court to acquaint the student with the legal details so necessary to be acquired, yet so difficult of access; and, in order to facilitate this work, the Court has been formed into two divisions, Civil and Criminal, each with its own judge and other officers. Sessions of both courts are held weekly, and, through regular assignments of cases, every student of the School has frequent opportunities for practice. The work embraces preparation of cases for trial, drawing of pleadings, selection of jurors, examination of witnesses, arguments on law and facts to judge and jury, and preparation and argument of

appeals,—all according to the forms of practice of the North Carolina Courts.

The organization for the Spring Term, 1909, was as follows:

Court of Appeals

Judge, Professor MacRae.

Superior Court
(Civil Division)

Judge, S. G. Hudson.
Clerk, H. L. Perry.
Sheriff, L. L. Davenport.

Superior Court
(Criminal Division)

Judge, J. T. Morehead, Jr.
Clerk, H. L. Perry.
Solicitor, S. T. Stancell.
Coroner, E. H. Gorham.

UNIVERSITY PRIVILEGES

Besides the Moot Court, there are open to all students of this School the Dialectic and Philanthropic Literary Societies of the University, where they may take part in or witness weekly debates of a high order, and train themselves in parliamentary law. They are further admitted to all privileges of a law library of 2600 volumes, to the University library of 50,000 volumes, to the University gymnasium, and the organizations of the University generally, literary, social, or athletic.

PRIZES

A prize of twenty-five dollars in gold is offered each year by Shepard Bryan, Esq., of the Atlanta Bar, in honor of his father, the Honorable Henry R. Bryan, of New Berne, N. C., to be awarded to the member of the Senior Law Class who shall submit the best thesis upon an approved legal subject.

FEES AND EXPENSES

Tuition for Fall and Spring terms, each.....$35.00.
Registration fee..... 12.50.

There are no scholarships in this School. Good board is furnished at Commons Hall for $10 a month and at the University Inn for $15 a month. In the village board may be secured for from $8 to $15, or, with rooms, from $10 to $20 a month.

The rent of unfurnished rooms in the dormitories ranges from seventy-five cents to $2.50 a month, for each occupant; and for each room a charge of one dollar a month is made for electric light and one dollar a month for heat.

THE SUMMER LAW SCHOOL

A session of the School of Law is maintained during each summer for the purpose of providing:

1st. A course for those who wish to begin the study of law.

2nd. A thorough review of the course prescribed by the Supreme Court of North Carolina for applicants for license.

3rd. An opportunity for instruction for men who cannot become resident students during the scholastic year.

4th. An opportunity for members of the Bar to review any branch of the law.

Session

The term for the summer of 1909 begins June 16 and ends August 27, three days prior to the examination before the Supreme Court for admission to the Bar of North Carolina.

Lectures and Recitations

At this session daily lectures and recitations of one hour and a half each, will be held by Professors MacRae and Ruffin. In addition there will be frequent quizzes. The two courses offered will cover the requirements for reading prescribed for admission to the Bar of North Carolina; and will include, by way of review, as much as possible of the regular work of the School of Law as taught during the scholastic year. Also, during the term, special lectures are expected to be delivered by prominent lawyers, later to be announced. The instruction is conducted by means of text-books, lectures, leading cases, quizzes, and moot-court.

An outline of the work of the two courses includes:

1. Ewell's Essentials of the Law (embracing the law of Domestic Relations, Real Property, Personal Property, Crimes, Contracts, and Torts). Other text-books to be used are 1st Blackstone; 2nd Blackstone and Tiffany on Real Prop-

erty; 3rd Blackstone and Code Pleading; 4th Blackstone; Clark on Contracts; Burdick on Torts; Creasy's English Constitution.

2. 1st Greenleaf on Evidence and N. C. Revisal Chapter on Evidence; Bispham on Equity; Clark on Corporations; Schouler on Executors, with N. C. Revisal chapters on Widows, Wills, Testaments, Descent, and Distribution; First volume of N. C. Revisal of 1905, with Clark's Code of Civil Procedure; Constitutions of the United States and North Carolina; Sharswood's Legal Ethics; 3rd Blackstone and Code Pleading; Cooley's Principles of Constitutional Law.

Examinations

No entrance examination is required; but each student must satisfy the faculty that he has sufficient general education to enable him to take the course with profit to himself. Examinations are required as each subject is completed, and at the end of the term certificates to that effect are issued to such students as have passed with credit all examinations in both courses.

Fees and Expenses

Tuition for term	$30.00
Registration and Incidental Fees	5.00

The above mentioned fees cover privileges of University Library, gymnasium, and baths.

There are no scholarships in this School. Board in the village, with room, will cost from $10 to $20 a month; without room, from $9 to $15.

For further information address President F. P. Venable, or Hon. James C. MacRae, Dean of the School of Law, Chapel Hill, N. C.

STUDENTS IN LAW

Baggett, John Robert, Buie's Creek.
Banks, Benjamin Leonides, Jr., Elizabeth City.
A.B., 1908.
Barnhill, Maurice Victor, Jr., Enfield.
Battle, Kemp Davis, Rocky Mount.
Blount, Judson Hassell, Bethel.
Brinson, Frank Clifford, Reelsboro.
Burgwyn, William Hyslop Sumner, Jr., Jackson.
Byrd, Walter Pierce, Lillington.
Calvert, John Strong, Wilmington.
Caviness, Herman Cummings, Greensboro.
Chapman, Byron Vivian, Little Mountain, S. C.
Ph.B., 1906, Newberry College.
Coughenour, William Chambers, Jr., Salisbury.
A.B., 1908.
Dalton, Carter, Greensboro.
Ph.B., 1905.
Dalton, William Reid, Reidsville.
Daniels, Frank Borden, Goldsboro.
Davenport, Louis Ludford, Rocky Mount.
Dawson, John Gilmer, Kinston.
Dellinger, Jacob Cedric, Hickory.
Douglas, Martin Francis, Greensboro.
Ph.B., 1908, Catholic University of America.
Dunlap, Fleetwood Ward, Ansonville.
Dunn, Ashby Wood, Scotland Neck.
B.A., 1908, Wake Forest College.
Fitzgerald, Troy, High Point.
Fountain, George Marion, Tarboro.
A.B., 1908.
Frazier, Cyrus Clifford, Greensboro.
A.B., 1907, Guilford College.
Gaylord, Louis Woodson, Plymouth.
Gibbons, Lemuel Hardy, Sanford.
A.B., 1904, Trinity College.

Gilliam, Donald, Tarboro.
Gorham, Edmund Hines, Wilson.
Grimes, Walter Hanrahan, Raleigh.
Guion, William Blount Rodman, Newbern.
Harris, William Clinton, Raleigh.
Hawkins, Donald Duval, Winston-Salem.
Howell, Robert Vance, Troy.
Hudson, Stephens Glenn, Greensboro.
James, James Burton, Greenville.
Ph.B., 1907.
Johnson, Walter Reade, Winston-Salem.
Keener, Artus Alexander, Maiden.
B. A., 1906, Catewba College.
Kelly, Frank Clement, Philadelphia, Pa.
Lawrence, Squire Solomon, Pinnacle.
Leatherbury, Charles Neely, Norfolk, Va.
A.B., 1904, William and Mary College.
Lindsay, William Edgar, Chapel Hill.
Linville, Edward Moses, Kernersville.
Long, James Adolph, Graham.
Ph.B., 1905, Elon College.
Long, William Lunsford, Garysburg.
McCall, Joseph Herbert, Young Harris, Ga.
B.S., 1907, Young Harris College.
McKnight, Herbert Crosby, China Grove.
A.B., 1905, Lenoir College.
McLain, James Howard, Rowland.
McLean, James Dickson, Laurinburg.
McPhail, Ama Riah, Mount Olive.
Martin, Lister Allen, Leaksville.
Masten, Henry P., Winston-Salem.
Matthews, Luther Preston, Siloam.
A.B., 1908.
Meares, George Folger, Wilmington.
Miller, Robert Alexander, Jr., Lowell.
Moore, William Chester, Moore, S. C.
A.B., 1906, Wofford College.
Morehead, James Lathrop, Durham.
Ph.B., 1903.

Morehead, James Turner, Jr.,	Greensboro.
Morrison, Allen Turner, A.B., 1907.	Asheville.
Parrish, Frederick Mortimer, L. I., William and Mary College.	Hadensville, Va.
Paul, David Brown,	Charlotte.
Peirce, Wentworth Willis,	Warsaw.
Perry, Daniel Elijah,	Kinston.
Perry, Henry Leslie,	Henderson.
Poisson, Louis Julian,	Wilmington.
Queen, John Montreville, B.S., 1907, Weaverville College.	Waynesville.
Rawlings, Edward Garlick, Jr.,	Wilson.
Rawls, Zebulon Vance,	Bayboro.
Robinson, John Moseley, Ph.B., 1907.	Goldsboro.
Robinson, William Smith O'Brien, Jr., Ph.B., 1907.	Goldsboro.
Ross, Charles Thomas,	Leaksville.
Schimpf, Frank August, Jr.,	Philadelphia, Pa.
Schulken, Martin Henry,	Whiteville.
Sidbury, Kirby Cleveland, Ph.B., 1907.	Holly Ridge.
Smith, Cosmos Reginald,	Newbern.
Smith, Colin Shaw,	Rose Hill.
Spruill, James Franklin,	Oriental.
Stacy, Walter Parker, A.B., 1908.	Belwood.
Stancell, Samuel Turner, Ph. B., 1908.	Margarettsville.
Staton, Marshall Cobb, A.B., 1904.	Tarboro.
Steele, Ernest,	Ansonville.
Stern, Sidney Joseph,	Greensboro.
Stewart, Edward Latham, A.B., 1908.	Washington.
Swindell, Harry,	Belhaven.
Taylor, John Herbert,	Aurelian Springs.
Taylor, Van Hampton,	Howellsville.

Thompson, Wllliam Anderson,	Aurora.
Tillett, Charles Walter, Jr.,	Charlotte.
Tooly, John Gaskill,	Belhaven.
Vann, John Colin MacRae,	Wilmington.
Vermont, Adolf,	Chapel Hill.
Wiggins, James Middleton, Jr.,	Suffolk, Va.
Winborne, Stanley, Ph.B., 1907.	Murfreesboro.
Wooten, Ernest Lee,	Maxton.

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